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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JOAN GAYLE GOOD,

Defendant and Appellant.

2d Crim. No. B261743
(Super. Ct. No. 2013006181)
(Ventura County)

Appellant pled guilty to grand theft. (Pen. Code, § 487, subd. (a).)¹ The trial court granted her three years of formal probation with terms and conditions including 120 days in jail, which was stayed. As a condition of probation, the trial court ordered her to pay victim restitution in the amount of \$4,898. Appellant contends that the trial court erred by imposing restitution for lost rental income and for damage to the victim's cable and circuit breaker boxes. We affirm.

FACTS

Victim Victor Ayala rented rooms in his house to appellant and a family. One day, appellant had a "mental health lapse" in which she believed that "people were stealing information [about her] from the cables" going into the house. She destroyed the cable and electric circuit breaker boxes outside the house. She broke into Ayala's room

¹ All further statutory references are to the Penal Code.

and stole several of his possessions that were never returned, including a \$580 Stührling watch, \$300 in cash, and a security guard card and firearm permit that cost \$60 apiece to replace. She also stole a laptop that was returned but, due to irreparable damage, had to be replaced for \$1,500. Ayala had to miss several days of work at his jobs in an auto shop and as a guard in order to come to court, resulting in lost wages of \$1,159.

Appellant was arrested for the theft. Upon her release, she returned to the house for 45 days before being evicted for nonpayment of rent. During this time, Ayala had to call the police every week because appellant would smoke in the house, scream, knock on doors, and follow him around with a knife. The family, which had a three-month-old child and feared for their safety in light of appellant's behavior, moved out. Ayala lost \$1,100 in rental income from them over two months. He paid \$60 to replace the cable box and \$80 to repair the circuit breaker box.

DISCUSSION

Appellant contends there is no evidence that her criminal conduct caused the lost rental income or the damage to the cable and circuit breaker boxes. Where, as here, the defendant is not sentenced to prison and restitution is imposed as a condition of probation, it must "be 'reasonably related to the crime of which the defendant was convicted or to future criminality.'" [Citation.]" (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.) We review for abuse of discretion and will reverse the trial court's determination only if it "is arbitrary or capricious or ""exceeds the bounds of reason, all of the circumstances being considered."" [Citations.]" [Citation.]" (*Ibid.*)

The lost rental income was a consequence of the theft itself. Ayala testified that the family moved out because they did not feel safe. The trial court justifiably inferred that appellant's erratic behavior—particularly breaking into Ayala's room and stealing his possessions—was a major source of their concern. That appellant's other erratic and offensive behavior, such as calling the family "illegal," may have contributed to their desire to leave is irrelevant. The loss of rental income was reasonably related to the theft.

Regarding her damaging the cable and circuit breaker boxes, she concedes that this "may have constituted vandalism." "California courts have long interpreted the trial courts' discretion to encompass the ordering of restitution as a condition of probation even when the loss was not necessarily caused by the criminal conduct underlying the conviction [R]estitution has been found proper where the loss was caused by related conduct not resulting in a conviction [citation], [and] by conduct underlying dismissed and uncharged counts [citation]" (*People v. Carbajal, supra*, 10 Cal.4th at p. 1121.)

DISPOSITION

The restitution order is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Kent M. Kellegrew, Judge
Superior Court County of Ventura

Jolene Larimore, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Mary Sanchez and Andrew Pruitt, Deputy Attorneys General, for Plaintiff and Respondent.